

TOWNSHIP OF WALL

ORDINANCE NO. 10 - 1989

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL AMENDING AND SUPPLEMENTING CHAPTER XVI "SITE PLAN", OF "THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF WALL, 1977", AS AMENDED AND SUPPLEMENTED, PERTAINING TO WAIVERS OF SITE PLAN APPROVAL.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WALL, in the County of Monmouth and State of New Jersey, as follows:

Section 1. Chapter XVI, "Site Plan", of "The Revised General Ordinances of the Township of Wall, 1977," as amended and supplemented, be and the same is hereby further amended and supplemented to delete subsection 16-5.2 "Exemptions from Site Plan Approval Requirements" and to substitute therefor the following: "16-5.2 Exemptions for Site Plan Approval Requirements."

a. Full Exemptions. The following are exempt from the site plan approval requirements of this chapter:

1. Single family dwellings and their permitted accessory structures.

2. Two family dwellings and their permitted accessory structures, provided the dwelling is the only proposed use principal and/structure on the lot.

3. Two single family dwellings located on the same lot and their permitted accessory structures, provided that the two single family dwellings are the only proposed uses and principal structures on the lot.

4. Municipal buildings, facilities and services

essential to the operation of the Township, including public parks and playgrounds, which are subject to general review and recommendation by the Planning Board.

b. Conditional Exemptions. The following may be exempt from the requirement to obtain site plan approval from the Planning Board or Board of Adjustment upon the determination of the Land Use Officer and provided that the following criteria are satisfied. The Land Use Officer may, at his discretion, submit any matter to the Planning Board or Board of Adjustment for its review and determination as to whether a full site plan review and approval by either Board shall be required:

1. The construction of an addition to an existing building, the floor area of which will not exceed 50 percent (50%) of the floor area of the existing building, provided that the addition shall not exceed 5,000 square feet, and provided further that a change of use of the building is not involved, except as permitted in paragraph (3) below. No more than one such exemption per building shall be permitted.

2. The interior or exterior renovation or improvement of a building, provided that a change of use of the building is not involved, except as permitted in paragraph (3) below.

3. The change of use of an existing building, or portion thereof, from a non-conforming use to a conforming use, or from one conforming use to another conforming use, provided that the building or portion thereof consists of a floor area of not more than 3000 square feet. No more than one such exemption per building shall be permitted.

4. The addition of accessory structures and site improvements to a developed property, provided that the structures and improvements are incidental and accessory to the principal use of the property.

5. Free-standing accessory buildings on developed properties, provided that the building is accessory to the principal use of the property and that the building does not exceed 3000 square feet of gross floor area. No more than one such exception shall be permitted per property.

c. Criteria for Exemptions. In relation to those exemptions set forth in the preceding subparagraph, the following criteria must be met to the satisfaction of the Land Use Officer in order to qualify for an exemption from site plan approval requirements:

1. Adequate parking spaces must be provided in compliance with section 15-19 of the zoning chapter.

2. Appropriate landscaping must be provided, pursuant to section 15-21 of the zoning chapter.

3. There shall be no intrusion into any buffer area designated for that purpose on a previously approved site plan or as required by the zoning chapter.

4. There shall be no substantial alterations of the existing drainage involving construction of new facilities, site grading or construction to be performed (other than the addition of parking spaces and aisles) which would substantially change the path, direction or quantity of surface water flow, except as

may be approved by the Township Engineer.

5. The work involved shall not negate any condition of a previously approved site plan, except as set forth above.

6. The proposed addition or alternation does not violate any zoning ordinance requirements.

7. All other approvals and permits required by law or regulation are obtained and copies submitted to the Land Use Officer."

Section 2. Chapter XVI, "Site Plan", of, "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, be and the same is hereby further amended and supplemented by the addition thereto of the following subsection:

"16-5.4 Certificates of Occupancy.

a. No certificate of occupancy shall be issued unless all development as proposed is completed and conforms with the plans approved by the approving authority.

b. In such cases where items determined by the Land Use Officer to be minor or incidental have not been completed, due to weather or other unforeseen circumstances, the Land Use Officer may accept a performance guarantee in the amount of 120 percent of the estimated cost to complete such items, and may issue a temporary certificate of occupancy for the project.

1. The temporary certificate of occupancy shall be conditioned upon the completion of all items noted.

2. The performance guarantee shall be based upon a

cost estimate prepared by the developer's project engineer or architect; shall itemize the cost of each uncompleted item; and shall bear the signature, license number and raised seal of the preparer. The estimate shall be subject to the review of the Township Engineer.

3. The performance guarantee shall be in the form of a bank check, bank money order or letter of credit payable to the Township of Wall, and shall be submitted to the Land Use Officer with an escrow agreement signed by the developer and satisfactory to the Township attorney in form and content, specifying the items for completion, the time within which the items must be completed and the remedies of the Township in the event the items are not completed as scheduled."

Section 3. Chapter XVI, "Site Plan", of "The Revised General Ordinances of the Township of Wall, 1977", as amended and supplemented, subsection 16-7.2 "Guarantees," as amended by Ordinance No. 9-1989 of the Township of Wall, be and the same is hereby further amended and supplemented by the deletion from the end of the first sentence thereof of the words "as follows", and the substitution therefor of the following: "; as well as other on-site improvements, including landscaping, as follows:".

Section 4. Should any section, clause, sentence or other portion of this ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance.

Section 5. All ordinances or parts thereof inconsistent

with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 6. This ordinance shall take effect immediately upon its passage and publication according to law.

NOTICE

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on 3/1/89 and will be further considered for final passage and adoption at the Municipal Court Room, Police Headquarters Building, Allaire and Bailey Corner Roads, Wall, New Jersey, on 3/15/89 at 8:00 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to, and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office in the Township of Wall Town Hall to the members of the general public who shall request the same.

BEATRICE M. GASSNER
Township Clerk

Adopted 4/4/89